

EXHIBIT 10

IN THE U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

---oOo---

**Certified
Transcript**

MIGUEL A. CRUZ, and JOHN D.
HANSEN, individually, and on
behalf of all others similarly
situated,

Plaintiffs,

vs.

DOLLAR TREE STORES, INC.,

Defendant.

ROBERT RUNNINGS, individually,
and on behalf of all others
similarly situated,

Plaintiffs,

vs.

DOLLAR TREE STORES, INC.,

Defendant.

VIDEOTAPED DEPOSITION OF DAVID CROSS, at the Law
Offices of Littler Mendelson, P.C., 2520 Venture
Oaks Way, Suite 390, Sacramento, California,
commencing at 2:04 p.m., April 29, 2010, before
Elizabeth A. Willis-Lewis, RPR, CSR No. 12155.

Job No. CS253126

Pages 1 - 150

1 dedicated specifically to doing freight?

2 A. Yes, there would have been a few that were
3 stockers -- strictly stockers. They weren't
4 cashier-trained.

5 Q. So they didn't even know how to do the cash
6 register?

7 A. Not when I got there.

8 Q. Okay. At any time prior to May 26th, 2009, did
9 they become trained on the cash register?

10 A. Yes.

11 Q. Whose decision was that?

12 A. That was mine.

13 Q. Okay. Did you feel that those stockers and the
14 freight manager were a good freight team?

15 A. No.

16 Q. Okay. What -- why do you say they were not a
17 good freight team?

18 A. Because the back room was bricked.

19 Q. What does that mean, "bricked"?

20 A. It was full -- very full.

21 Q. Did you have to take steps to correct that when
22 you became the store manager?

23 A. I followed the protocol that was given to me by
24 the company, you know, basically following policy, rules
25 and procedures.

1 Q. And --

2 A. Is that what you are wanting?

3 Q. Yeah. Is there a policy that says, "If the
4 stock room is full this is what you need to do"?

5 A. No.

6 Q. Okay. And is it your understanding that Ralph
7 Badders did not receive the same policies or training
8 that you did?

9 A. No, he got the same.

10 Q. Okay. How -- how long did it take before --
11 well, did you feel that at some point you got the stock
12 room under control so that it was acceptable according
13 to Dollar Tree standard?

14 A. Yes.

15 Q. And how long did that take?

16 A. Six months.

17 Q. Did you have to do any additional training of
18 any of the store employees to make that happen?

19 A. Yes.

20 Q. What type of additional training did you do?

21 A. Wow. Taught them how to follow the planner,
22 number 1. Taught them what was the proper way to set up
23 an end cap because that helped get out more merchandise
24 if you do it the proper way, show them the proper
25 procedures on how to stock the floor. We had a minimum,

1 you know, 20 cases per hour that we were making them
2 adhere to. And so when you look at those points if they
3 are not -- if they are not being supervised or they are
4 not being trained into taking -- being productive then
5 that could cause the freight to be backed up and not put
6 out.

7 Q. And you say you taught them. How -- who were
8 you teaching?

9 A. The freight manager.

10 Q. Anyone else?

11 A. Started with her to make sure she knew what her
12 job was, her function and what she could do for the
13 store. So I started with her and worked with each
14 individual stocker.

15 Q. Okay. So how does setting up an end cap the
16 proper way help get out more merchandise?

17 A. Well, because if somebody just puts out one
18 item only -- they can fill up an end cap, but when you
19 take and do the tie-ins that go along with it you are
20 getting out more product. When you do the power panel
21 on the side, when you do a stack and you it a five -- we
22 call it a "five star end cap." So when you are doing
23 five -- you are doing five items that you are
24 incorporating instead of just one item. So, therefore,
25 you are pulling out a lot more out of that back room

1 procedures.

2 Q. And did you have a home store at that time?

3 A. Yes, I did.

4 Q. Where was that?

5 A. 1215, West Sacramento. And I actually worked
6 out of the Elk Grove store since it was right down by my
7 house.

8 Q. So how often were you in the Elk Grove store?

9 A. Every week.

10 Q. For one day or --

11 A. Yeah, usually a day or I would go by -- you
12 know, if it was close I could go by there, so I couldn't
13 give you exactly how many days a week. With nine stores
14 I was in all of them just about every week. I could get
15 into every single one.

16 Q. And would you say you were in the home store
17 more often than you were in other of the nine stores?

18 A. Yeah, probably I would say because you had to
19 go by there to get all your weekly paperwork done and
20 everything. So, yeah.

21 Q. And then you might have been in the Elk Grove
22 store more often than the other stores besides the home
23 store?

24 A. Yes.

25 Q. When you -- when you were in the store as a

1 district manager what did you do?

2 A. Would tour the store, assess where they were
3 at, using the planner, making sure that they had
4 followed the policies and the procedures there, checking
5 the office to make sure that the cash handling
6 procedures were all being handled properly -- monitoring
7 that very closely. Stores that did have camera
8 systems -- would view cameras to make sure that we --
9 you know, if we had anything where the paper trail was
10 showing that somebody might be doing something that was
11 going to affect the company that -- I would review the
12 camera system and make sure that, you know -- I got a
13 lot. Unfortunately I spent a lot of time in some stores
14 and we lost several associates because of what I was
15 able to uncover.

16 Q. Loss-prevention-type issues?

17 A. Loss-prevention-type issues.

18 Q. Okay. When you were actually physically in a
19 store did you consider yourself in charge of that store?

20 A. No.

21 Q. Who was?

22 A. The store manager.

23 Q. I have the -- Exhibit 1 from the prior
24 deposition placed in front of the witness. So this will
25 also be -- I am going to have it separately marked as

1 Q. You wouldn't go back and adjust it if you
2 scheduled yourself to work until 5:00 and you actually
3 worked until 7:00?

4 A. No, there has nothing been told to do that
5 (sic).

6 Q. Did you keep hours -- do you have any records
7 anywhere of the hours that you actually worked?

8 A. No.

9 Q. Okay. What was your answer?

10 A. No.

11 Q. Did you ever tell your DM or your regional
12 director that you were working more hours than you had
13 scheduled yourself to work?

14 A. I don't recall. Probably talking -- in just
15 talking we probably talked about it, but --

16 Q. What was your salary between February 2009 and
17 May 26, 2009?

18 A. 60,000 --

19 Q. Okay.

20 A. -- per year.

21 Q. How much of each day did you spend walking the
22 store?

23 A. I couldn't give you a percentage.

24 Q. Okay. Would you say --

25 A. I walk it every day.

1 Q. -- you spend a lot of your day walking the
2 store?

3 A. I couldn't give you an exact amount of time. I
4 do walk my store every single day throughout the day.

5 Q. Okay. And what's the purpose of walking the
6 store to you?

7 A. Looking at it as far as the eyes of a customer,
8 what they're looking at. Is it appealing to the
9 customer? Is it -- you have got aisles blown up. Our
10 customers tend to take and use it -- like the toy
11 department as a playground. So, therefore, you look at
12 it as is -- somebody making sure it gets picked up. Are
13 you picking it up? Sometimes you look and there is
14 nobody but you, so you are picking it all up.

15 Q. Or you might assign it to someone else that --

16 A. Later on in the day if somebody is coming in,
17 "This counter needs to be worked on." So you make notes
18 on the plan as to what needs to get accomplished.

19 Q. Going back to a prior topic, what is the
20 difference between -- if any, between the assignments
21 that you made in the COMPASS system and the assignments
22 that you made on the daily planner sheet that you used
23 to give work assignments?

24 A. Well, you are doing a generic on the COMPASS.
25 You can't put a whole lot there. You are just basically

1 STATE OF CALIFORNIA) ss:
2 COUNTY OF PLACER)
3

4 I, ELIZABETH A. WILLIS-LEWIS, CSR No. 12155, do
5 hereby certify:

6 That the foregoing deposition testimony was taken
7 before me at the time and place therein set forth
8 and at which time the witness was administered
9 the oath;

10 That the testimony of the witness and all objections
11 made by counsel at the time of the examination were
12 recorded stenographically by me, and were thereafter
13 transcribed under my direction and supervision, and that
14 the foregoing pages contain a full, true and accurate
15 record of all proceedings and testimony to the best of
16 my skill and ability.

17 I further certify that I am neither counsel for any
18 party to said action, nor am I related to any party
19 to said action, nor am I in any way interested in the
20 outcome thereof.

21 IN WITNESS WHEREOF, I have subscribed my name this

22 14TH day of MAY 2010.
23

24 Elizabeth A. Willis-Lewis sv

25 ELIZABETH A. WILLIS-LEWIS, RPR, CSR NO. 12155

EXHIBIT 11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

--oOo--

MIGUEL A. CRUZ, and JOHN
D. HANSEN, individually
and on behalf of all
others similarly
situated,

COPY

Plaintiffs, Case No. C07-02050 SC

vs.

DOLLAR TREE STORES, INC.,

Defendant.

DEPOSITION OF MIGUEL A. CRUZ

DATE: FRIDAY, OCTOBER 12, 2007

TIME: 9:32 A.M.

LOCATION: Kauff, McClain & McGuire
One Post Street, Suite 2600
San Francisco, California

PREFERRED REPORTERS
Certified Shorthand Reporters
201 E. Watmaugh Road
Sonoma, California 95476
707-938-9227

REPORTED BY: Wendy L. Van Meerbeke, CSR #3676

1	A. No.	09:58:30
2	Q. Did you work somewhere aside from the	09:58:30
3	Healdsburg store?	09:58:33
4	A. Roseland.	09:58:34
5	Q. Is that for 2162?	09:58:37
6	A. 262 -- 262 (sic).	09:58:39
7	Q. What were you doing at the Roseland store?	09:58:51
8	Were you training?	09:58:55
9	A. Yes.	09:58:56
10	Q. Who was training you?	09:58:57
11	A. Rick Tellstrom.	09:58:58
12	Q. For how long did you train?	09:59:08
13	A. In Roseland, like a month.	09:59:10
14	Q. What sorts of things were you trained on?	09:59:19
15	What were the topics of your training?	09:59:21
16	A. Stocking shelves.	09:59:24
17	Q. Anything else?	09:59:28
18	A. That's it. The register.	09:59:32
19	Q. Anything else?	09:59:37
20	A. That's it.	09:59:38
21	Q. At any point in time before you started	09:59:39
22	working as a store manager, were you trained on the	09:59:42
23	Compass system for scheduling?	09:59:46
24	A. When I went to Arcata -- I went to Arcata	09:59:48
25	for four weeks, three weeks.	09:59:52

1	Q. Pardon me?	09:59:57
2	A. I went to Arcata for training I estimate	09:59:59
3	for three or four weeks.	10:00:03
4	Q. In addition to a month training in the	10:00:04
5	Roseland store, you also had three weeks of	10:00:10
6	training in Arcata?	10:00:13
7	A. Yes.	10:00:14
8	Q. Who provided the training in Arcata?	10:00:14
9	A. Jason.	10:00:19
10	Q. Jason?	10:00:20
11	A. Yes.	10:00:21
12	Q. When you were working at the Roseland	10:00:21
13	store, what was your title?	10:00:23
14	A. Assistant manager.	10:00:26
15	Q. You were an hourly employee; correct?	10:00:29
16	A. Yes.	10:00:31
17	Q. You were paid on an hourly basis; correct?	10:00:33
18	A. Yes.	10:00:36
19	Q. Did you receive overtime?	10:00:36
20	A. Yes.	10:00:37
21	Q. What kind of training did you receive at	10:00:49
22	Arcata?	10:00:51
23	A. Same thing. Stocking, receiving the	10:00:51
24	truck.	10:00:54
25	Q. I thought you told me you got training on	10:00:55

1 CERTIFICATION OF DEPOSITION OFFICER

2 I, WENDY L. VAN MEERBEKE, duly authorized to
3 administer oaths pursuant to Section 2093(b) of the
4 California Code of Civil Procedure, do hereby
5 certify that the witness in the foregoing
6 deposition was duly sworn by me to testify to the
7 truth in the within entitled cause; that said
8 deposition was taken at the time and place set
9 forth; that the testimony of said witness was
10 reported by me, a Certified Shorthand Reporter and
11 a disinterested person, and was thereafter
12 transcribed by computer under my direction into
13 booklet form; that the witness was given an
14 opportunity to read and correct said deposition and
15 to subscribe to the same.

16 I further certify that I am not of counsel or
17 attorney for either or any of the parties in the
18 foregoing deposition and caption named, nor in any
19 way interested in the outcome of the cause named in
20 said caption.

21 Dated the 1st day of November, 2007.

22 
23 WENDY L. VAN MEERBEKE, CSR 3676

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL A. CRUZ, and JOHN D.)
HANSEN, individually, and on)
behalf of all others similarly)
situated,)

Plaintiffs,)

vs.)

DOLLAR TREE STORES, INC.,)

Defendant.)
_____)

COPY

Case No: C07-02050 SC

DEPOSITION OF MIGUEL CRUZ
VOLUME II

DATE: Friday, November 2, 2007
TIME: 9:29 a.m.
LOCATION: Kauff, McClain & McGuire
One Post Street, 26th Floor
San Francisco, California 94104

PREFERRED REPORTERS
Certified Shorthand Reporters
201 E. Watmaugh Road
Sonoma, California 95476
707-938-9227

Reported By: Linda Vaccarezza, RPR, CSR #10201

1 Q When was the schedule due? What day of 10:49:01a
2 the week? 10:49:04a
3 A I don't remember what day. 10:49:04a
4 Q You took it home, then, a couple of days 10:49:09a
5 before it was due; is that right? 10:49:11a
6 A Yeah. 10:49:12a
7 MS. MCCLAIN: May I have this marked as next 10:49:26a
8 in order, please. 10:49:28a
9 (Exhibit 136 was marked for identification.) 10:49:53a
10 BY MS. MCCLAIN: 10:49:53a
11 Q Do you recognize this document, 10:49:53a
12 Mr. Cruz? 10:49:55a
13 A I think so. 10:49:55a
14 Q Is it an index from a playbook? 10:49:56a
15 A Yes. 10:50:03a
16 Q You had a playbook at 2262, correct? 10:50:04a
17 A Yes. 10:50:07a
18 Q That was a notebook in which you kept 10:50:07a
19 business information, correct? 10:50:12a
20 A If I remember, yes. 10:50:16a
21 Q Who suggested to you, if anyone, that a 10:50:21a
22 playbook would be a useful thing for you to have? 10:50:23a
23 A If I remember, that's when -- that was 10:50:27a
24 going to be a managers' meeting and Felice took 10:50:31a
25 hers to do mine at the store. 10:50:40a

1	Q	Ms. Clement showed you how to prepare,	10:50:43a
2		compile a playbook?	10:50:50a
3	A	Yes.	10:50:51a
4	Q	When did she do that?	10:50:52a
5	A	I don't remember when. It was before	10:50:53a
6		the meeting.	10:50:56a
7	Q	Did Ms. Clement tell you why she was	10:51:01a
8		doing that? Did she say someone had asked her to	10:51:03a
9		do that?	10:51:06a
10	A	I don't remember.	10:51:06a
11	Q	She just said, Miguel, let me show you	10:51:07a
12		how to do the playbook?	10:51:10a
13	A	No, I think Rick asked her.	10:51:11a
14	Q	How do you know that? Who told you	10:51:12a
15		that?	10:51:15a
16	A	Because I think she told me.	10:51:15a
17	Q	Did you find the playbook a useful tool	10:51:20a
18		in your managing of 2262?	10:51:23a
19	A	I really don't remember.	10:51:28a
20	Q	Did you ever use it?	10:51:29a
21	A	Don't remember if I used it.	10:51:31a
22	Q	So notwithstanding the fact that	10:51:33a
23		Ms. Clement and Mr. Tellstrom went to some --	10:51:35a
24		energy on their part to show you this document,	10:51:40a
25		you're not sure you ever used it?	10:51:42a

1 STATE OF CALIFORNIA)

2 COUNTY OF SONOMA)

3 I, LINDA VACCAREZZA, a Certified Shorthand
4 Reporter of the State of California, duly
5 authorized to administer oaths pursuant to
6 Section 2025 of the California Code of Civil
7 Procedure, do hereby certify that

8 MIGUEL CRUZ,

9 The witness in the foregoing examination,
10 was by me duly sworn to testify the truth, the
11 whole truth and nothing but the truth in the
12 within-entitled cause; that said testimony of
13 said witness was reported by a disinterested
14 person, and was thereafter transcribed under my
15 direction into typewriting and is a true and
16 correct transcription of said proceedings.

17 I further certify that I am not of counsel
18 or attorney for either or any of the parties in
19 the foregoing examination and caption named, nor
20 in any way interested in the outcome of the cause
21 named in said caption.

22 Dated the 15th day of November, 2007.

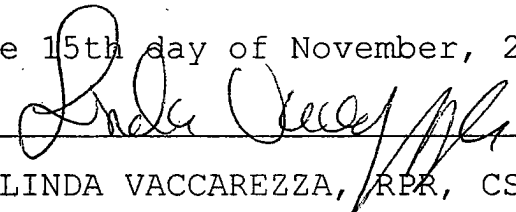
23 
24 LINDA VACCAREZZA, RPR, CSR #10201
25

EXHIBIT 12

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
3

4 MIGUEL A. CRUZ and JOHN D.)
5 HANSEN, individually, and on)
6 behalf of all others similarly)
7 situated,)
8 Plaintiffs,)

**CERTIFIED
TRANSCRIPT**

9 vs.) No. C-07-02050 SC
10 DOLLAR TREE STORES, INC.,)
11 Defendant.)
12

13 ROBERT RUNNINGS, individually, and)
14 on behalf of all others similarly)
15 situated,)
16 Plaintiffs,)

17 vs.)
18 DOLLAR TREE STORES, INC.)
19 Defendant.)
20

21 Deposition of MICHAEL T. DEUBERT, taken
22 at 650 California Street, 20th Floor,
23 San Francisco, California, commencing
24 at 9:09 a.m., Monday, March 22, 2010,
25 before Kenneth T. Brill, RPR, CSR No. 12797.

Pages 1 - 149

1 Q. And how frequently did the zone vice
2 presidents visit your stores during that period, on
3 average?

4 MR. COLE: Objection, overbroad.

5 THE WITNESS: Less than once a year.

6 BY MR. VANDALL:

7 Q. And how frequently on average did the district
8 managers visit your store?

9 MR. COLE: Objection. Compound, overbroad.

10 THE WITNESS: Average twice a month.

11 BY MR. VANDALL:

12 Q. Did any of the five district managers you
13 mentioned visit your store more frequently than the
14 others?

15 A. Not that I can recall.

16 Q. Who is in charge of the day-to-day operations
17 of the stores you manage?

18 A. I am.

19 Q. Does that change when your district manager
20 visits your store?

21 A. No.

22 Q. So you remain in charge even though the
23 district manager is there?

24 A. Correct.

25 Q. Is that also true when the regional director

25

1 Q. Do you delegate any tasks to your freight
2 manager when you receive the seasonal planner?

3 A. At some point, yes.

4 Q. For example, when the seasonal planner comes
5 in and you see how a particular aisle or gondola is set
6 up, do you meet with your freight manager and pass that
7 task to him or her, or do you take that on yourself?

8 A. That's part of their tasks.

9 Q. So you delegate that function?

10 A. Correct.

11 Q. Do you walk your store on a daily basis?

12 A. Yes.

13 Q. How much time do you spend walking the store
14 on a daily basis?

15 A. Walking the store all day, it's just pretty
16 broad, no specific time. I'm looking as I go during the
17 whole day.

18 Q. Do you have a set time, for example, when you
19 come in, do you do a store walk?

20 A. No, I don't, no.

21 Q. Before the store closes or before you leave
22 for the day, do you do the store walk?

23 A. Yes.

24 Q. What are you looking for when you do the store
25 walk in that instance?

1 MR. COLE: Objection, overbroad.

2 THE WITNESS: Cleanliness, how the freight was
3 put up, displays, customer service, just about
4 everything.

5 BY MR. VANDALL:

6 Q. Do you delegate any tasks before you leave as
7 a result of that store walk, typically?

8 A. Sometimes maybe, yes.

9 Q. More often than not, do you do so?

10 A. Yes.

11 Q. And how much time does that last store walk
12 generally take you?

13 A. No set time. It could be -- I couldn't give
14 you a time frame. I just might have -- interrupt
15 customers or what.

16 Q. Fair enough. When you are walking the store
17 constantly throughout the day, are you also looking for
18 the same things that you just described, which are
19 cleanliness, how the freight was put up, displays,
20 customer service?

21 A. Yeah, I'm always looking at that.

22 Q. Is there any way for you to quantify how much
23 of your day is spent engaged in those tasks?

24 A. Not realistically looking at it, no.

25 Q. Are you also engaged in those tasks while you

1 A. Yes.

2 Q. Okay. How much time do you spend in a typical
3 day engaged in tasks related to oversight of the daily
4 store activities?

5 A. The whole time I'm in the store.

6 Q. 100 percent?

7 A. Yeah.

8 Q. What does that phrase mean to you, "oversee
9 daily store activities"?

10 A. Oversee everything that's happening and
11 whatever -- oversee everything that's happening in your
12 store.

13 Q. So any decision that needs to be made is your
14 responsibility?

15 MR. COLE: Objection, calls for speculation
16 and misstates the testimony.

17 THE WITNESS: Not exactly, no.

18 BY MR. VANDALL:

19 Q. When problems come up at your store, just
20 general problems, who is responsible for making the
21 decisions about those roles?

22 MR. COLE: Objection, assumes facts not in
23 evidence and calls for speculation.

24 THE WITNESS: If I'm in the store by myself,
25 then it's my prerogative. If the -- another manager is

1 leadership and direction to store personnel. Do you see
2 that?

3 A. Yes. Uh-huh.

4 Q. Do you agree that's a management function?

5 MR. COLE: Objection, vague and ambiguous.

6 THE WITNESS: It's a function of what I do.

7 BY MR. VANDALL:

8 Q. As the store manager?

9 A. Yes.

10 Q. Okay. How much time do you spend engaged in
11 that task on a typical work week, providing leadership
12 and direction to store personnel?

13 MR. COLE: Objection. Compound, vague and
14 ambiguous. If you can answer it, go ahead.

15 THE WITNESS: It's basically interaction with
16 people that you're working with. It's an ongoing day.
17 I mean, that's part of your work. I mean --

18 BY MR. VANDALL:

19 Q. Is there any way for you to quantify how much
20 time you spend on that task?

21 A. I don't -- I don't know how you would put a
22 timetable on that. I mean --

23 Q. Okay. How about line item number three,
24 Protection of company assets, do you engage in that job
25 function?

1 MR. COLE: I'm sorry, number three or number
2 four?

3 MR. VANDALL: You are correct.

4 BY MR. VANDALL:

5 Q. Number four, my mistake.

6 A. Yes.

7 Q. What does that mean to you, "Protect all
8 company assets"?

9 A. Make sure that we're overseeing nothing
10 happens to the four walls of the store or anything
11 inside of it.

12 Q. And how much time in a typical work week do
13 you spend engaged in that job function?

14 A. That's a every-day job function.

15 Q. All day, every day?

16 A. Well, it might be not 100 -- you know, assets,
17 cash, going to the bank, doing pulls, watching different
18 things. I mean, I'm sure there's different timetables,
19 but it's encompassed all in what you do on a daily basis
20 so to put any specific time frame on each one, I --

21 Q. That's fair enough. I'm just here to ask if
22 you can or you can't.

23 MR. COLE: Why don't you let him answer the
24 question.

25 MR. VANDALL: I am.

1
2
3 CERTIFICATE OF REPORTER

4 I, KENNETH T. BRILL, a Certified Shorthand
5 Reporter, hereby certify that the witness in the
6 foregoing deposition was by me duly sworn to tell the
7 truth, the whole truth, and nothing but the truth in the
8 within-entitled cause;

9 That said deposition was taken down in
10 shorthand by me, a disinterested person, at the time and
11 place therein stated, and that the testimony of the said
12 witness was thereafter reduced to typewriting, by
13 computer, under my direction and supervision;

14 I further certify that I am not of counsel or
15 attorney for either or any of the parties to the said
16 deposition, nor in any way interested in the event of
17 this cause, and that I am not related to any of the
18 parties hereto.

19 DATED: April 5, 2010
20
21

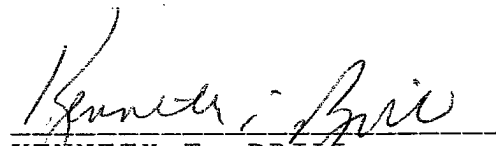
22
23 
24 KENNETH T. BRILL
25 CSR 12797

EXHIBIT 13

---oOo---

MIGUEL A. CRUZ, and JOHN D.
HANSEN, individually, and on
behalf of all others similarly
situated,

VS.

) No. C 07 02050 SC

Defendant.

Plaintiffs,

VS.

) No. C 07 04012 SC

Defendant.

Pages 1 - 180

1 other store was?

2 A. 1221.

3 Q. Okay. How long, if you recall, were you at
4 1221 for training?

5 A. Roughly four weeks.

6 Q. And when you were at 1221, if you recall, were
7 you paid by the hour?

8 A. Yes, I was.

9 Q. And did you receive overtime for any hours you
10 worked in excess of --

11 A. I don't know. I don't remember.

12 Q. Who did you report to at store 1221?

13 A. The store manager.

14 Q. What was that person's name?

15 A. Chuck Searcy, S-e-a-r-c-y.

16 Q. Okay. What did your four weeks of training
17 consist of?

18 MS. KUEHN: Vague and ambiguous.

19 BY MS. JOHNSON:

20 Q. You can answer. So if your counsel objects and
21 you understand the question and you are able to answer
22 the question then you can go ahead and answer unless she
23 instructs you not to answer, which she has done.

24 A. From my memory, then it was reading old Dollar
25 Tree manuals.

1 Q. Okay. What was your most recent job title at
2 Rite Aid?

3 A. Store manager.

4 Q. Did you have other jobs at Rite Aid before
5 being a store manager?

6 MS. KUEHN: Vague and ambiguous.

7 THE DEPONENT: I worked at other retail just to
8 get experience, like Longs, but nothing as a store
9 manager.

10 BY MS. JOHNSON:

11 Q. So when you worked at Longs were you an hourly
12 associate?

13 A. As first hired I was.

14 Q. And did you move up to something else?

15 A. To a department manager and that was salary.

16 Q. Okay. Other than reading the Dollar Tree
17 manuals what else did you do, if anything, in your four
18 weeks of training?

19 MS. KUEHN: Calls for speculation, vague and
20 ambiguous.

21 THE DEPONENT: Shadowed the store manager.

22 BY MS. JOHNSON:

23 Q. Is that something you did every day during your
24 training?

25 MS. KUEHN: Calls for speculation.

1 THE DEPONENT: That took up part of my day,
2 yes.

3 BY MS. JOHNSON:

4 Q. And what else did you do?

5 A. Worked on the floor.

6 Q. In what capacity?

7 MS. KUEHN: Vague and ambiguous.

8 THE DEPONENT: Unloaded trucks, stock shelves,
9 cashiered, got carts.

10 BY MS. JOHNSON:

11 Q. Did you do anything else during your four weeks
12 of training that you haven't testified about?

13 A. No.

14 Q. Okay. Did you have any Human Resources
15 training at that time?

16 A. No.

17 Q. Okay. Have you had -- after your four weeks of
18 training in Redding have you had any other formal
19 training through Dollar Tree?

20 A. Yes.

21 Q. What training have you had?

22 A. Sexual awareness -- harassment classes.

23 Q. How many of those have you had?

24 MS. KUEHN: Calls for speculation.

25 THE DEPONENT: One to two.

1 Q. Okay. What other things, if anything, did you
2 do to manage shrink issues at your store?

3 MS. KUEHN: Vague and ambiguous.

4 THE DEPONENT: I would walk up and down the
5 aisles a lot just to find any open products, maybe see
6 what that area is in the store.

7 BY MS. JOHNSON:

8 Q. How often prior to May 26, 2009, would you say
9 you walked up and down the aisles?

10 MS. KUEHN: Vague and ambiguous, calls for
11 speculation.

12 THE DEPONENT: Constant.

13 BY MS. JOHNSON:

14 Q. Was that the same at Redding and at Red Bluff?

15 A. Yes.

16 Q. What other things did you do to manage shrink
17 issues as a store manager?

18 A. Also tour the warehouse constantly to see if
19 any doors -- or stuff was thrown in the bailer.

20 Q. Okay. And what else would you do, if anything?

21 MS. KUEHN: Vague and ambiguous.

22 THE DEPONENT: That is pretty much what I would
23 do.

24 BY MS. JOHNSON:

25 Q. How often did you tour the warehouse?

1 specific back in those days.

2 BY MS. JOHNSON:

3 Q. Did you ever get any e-mails from the zone vice
4 president?

5 A. Rarely.

6 Q. Did you ever talk to your regional director or
7 zone vice president on the phone?

8 A. No.

9 Q. Prior to May 26, 2009, did you find that your
10 day-to-day experience at the stores where you worked was
11 different depending on the ability of your assistant
12 managers?

13 MS. KUEHN: Vague and ambiguous.

14 THE DEPONENT: I felt every day was different.

15 BY MS. JOHNSON:

16 Q. Okay. What were the -- what were the
17 differences that you experienced each day?

18 MS. KUEHN: Vague and ambiguous, overbroad.

19 THE DEPONENT: Just every day brought new
20 challenges. I can't really sum it up more than that.

21 BY MS. JOHNSON:

22 Q. So challenges that you had to deal with?

23 A. The store had to deal with.

24 Q. What was an example of some of the -- of one of
25 the challenges that the store would have to deal with?

1 Q. Okay. So it is a binder that is kept in your
2 store?

3 A. Yes.

4 Q. And what reports are contained in the binder?

5 A. Business summary, SPH goals, shrink goals.

6 Q. Let me have this marked.

7 (Exhibit 6 was marked for identification.)

8 BY MS. JOHNSON:

9 Q. This is a document that has been designated as
10 confidential. Exhibit 6 is a one-page document. At the
11 top it says, "Contents," and then it has a list of
12 numbered items.

13 Mr. Diehl, is this -- to your knowledge is this
14 a table of contents of a Dollar Tree play book?

15 MS. KUEHN: This document lacks foundation,
16 calls for speculation.

17 THE DEPONENT: This is --

18 BY MS. JOHNSON:

19 Q. Okay. And so how do you use the play book
20 at -- how did you use the play book at Redding prior to
21 May 26, 2009?

22 MS. KUEHN: Assumes facts not in evidence,
23 vague and ambiguous.

24 THE DEPONENT: I would print out these reports
25 when they wanted us to have it done by on Mondays.

1 BY MS. JOHNSON:

2 Q. So each week?

3 A. Yes.

4 Q. What would you do with them?

5 A. I would put them under their tabs in the
6 binder.

7 Q. Did you -- other than putting them under their
8 tabs did you use the reports in any way?

9 A. I did use a couple of them.

10 Q. Which ones did you use?

11 A. I liked number 2, the Weekly Business Summary.

12 Q. How did you use the Weekly Business Summary?

13 MS. KUEHN: Vague and ambiguous.

14 THE DEPONENT: It just showed, like it says,
15 everything we did, what hours we spent in comparison to
16 other stores in my district.

17 BY MS. JOHNSON:

18 Q. What other ones did you use?

19 A. Order Score Card, number 4.

20 Q. What other ones?

21 A. Top 200 SKUs.

22 Q. What other ones?

23 A. Markdowns Here Today.

24 Q. Any other ones?

25 A. I gathered them all, but I didn't in depth

1 study every one of them.

2 Q. How did you use the Order Score Card?

3 A. When the computer printed it out and compared
4 it to what was brought into the store as compared to
5 what sold -- what percentage.

6 Q. Why did you want to look at that information?

7 A. See if my sales each week were more than the
8 truck they were delivering me (sic).

9 Q. What would be the reason you would want to know
10 that?

11 MS. KUEHN: Calls for speculation.

12 THE DEPONENT: Almost -- to see if you were
13 keeping up because if you didn't keep up it would
14 accumulate in the back.

15 BY MS. JOHNSON:

16 Q. The merchandise would accumulate in the back?

17 A. Yes.

18 Q. How did you use the Top 200 SKUs Report?

19 MS. KUEHN: Vague and ambiguous.

20 THE DEPONENT: I would just print it up to see
21 what -- out of all of our thousands each week what our
22 top 100 or 200 is.

23 BY MS. JOHNSON:

24 Q. That would be the top 100 or 200 for your
25 particular store, correct?

1 STATE OF CALIFORNIA) ss:

2 COUNTY OF PLACER)

3
4 I, ELIZABETH A. WILLIS-LEWIS, CSR No. 12155, do
5 hereby certify:

6 That the foregoing deposition testimony was taken
7 before me at the time and place therein set forth
8 and at which time the witness was administered
9 the oath;

10 That the testimony of the witness and all objections
11 made by counsel at the time of the examination were
12 recorded stenographically by me, and were thereafter
13 transcribed under my direction and supervision, and that
14 the foregoing pages contain a full, true and accurate
15 record of all proceedings and testimony to the best of
16 my skill and ability.

17 I further certify that I am neither counsel for any
18 party to said action, nor am I related to any party
19 to said action, nor am I in any way interested in the
20 outcome thereof.

21 IN WITNESS WHEREOF, I have subscribed my name this
22 21st day of April 2010.

23
24 Elizabeth Willis-Lewis ^{OP}
25 ELIZABETH A. WILLIS-LEWIS, RPR, CSR NO. 12155

EXHIBIT 14

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CRUZ

--oOo--

RANDY SMITH,

Plaintiff,

vs.

DOLLAR TREE STORES, INC., a
Virginia Corporation, HAYIM
GANNON, an individual, and
DOES 1-50, inclusive,

Defendants.
_____ /

CERTIFIED COPY

No. CISCV 160473

RECEIVED

JUN 08 2010

LITTLER MENDELSON

Videotaped Deposition of

SHERRY DOUBLEDAY

Thursday, May 27, 2010

Reported by:
THOMAS J. LANGE, CSR No. 4689
Registered Merit Reporter
Job No.: 25239LR



PHILLIPS LEGAL SERVICES
SAN FRANCISCO DEPOSITION REPORTERS

(888) 333.8270
(800) 455-8030 fax
WWW.PHILLIPSDEPO.COM

10:18:31 1 Q. In San Jose?

10:18:32 2 A. Yes.

10:18:33 3 Q. Did you manage any other stores?

10:18:38 4 A. No. I just trained in Paul Alv --

10:18:44 5 Q. Avila?

10:18:44 6 A. Yeah, in his store I trained. I don't remember

10:18:46 7 what the store number was.

10:18:48 8 Q. Was it the San Jose store on McKee, Capitol and

10:18:53 9 McKee?

10:18:53 10 A. No.

10:18:54 11 Q. It wasn't 1254?

10:18:56 12 A. No. It was Blossom Hill.

10:19:00 13 Q. Okay. How long was your training period with

10:19:07 14 Mr. Avila?

10:19:08 15 A. I think it was a couple months, I believe.

10:19:10 16 Q. One thing I forgot to mention earlier is that

10:19:14 17 sometimes when I ask you a question you might be

10:19:16 18 searching for a specific answer. And if you can give me

10:19:20 19 a specific answer, that's great. If you can't, then I'm

10:19:23 20 entitled to your best estimate. But I don't want you to

10:19:26 21 guess in response to my questions.

10:19:27 22 Do you understand the difference between those

10:19:29 23 concepts?

10:19:30 24 A. Yes.

10:19:30 25 Q. Okay. So I'll probably frequently ask you if

10:19:33 1 you're able to give me a best estimate. And --

10:19:35 2 A. Okay.

10:19:36 3 Q. -- specifically that will mean you don't need
10:19:38 4 to guess, but if you can formulate a response, you need
10:19:43 5 to do that. Do you understand?

10:19:44 6 A. I think so.

10:19:44 7 Q. Well, why don't I go over the difference.

10:19:47 8 If I were to ask you how long this conference
10:19:51 9 room table is, you have personally observed it and you
10:19:54 10 might be able to give me an estimate of how many feet
10:19:57 11 long it is. Do you understand?

10:19:58 12 A. Uh-huh.

10:19:59 13 Q. And if I were to ask you how long my dining
10:20:02 14 room table is at home, you wouldn't be able to do that
10:20:05 15 because you haven't seen it.

10:20:07 16 A. Right.

10:20:07 17 Q. So that would be a guess.

10:20:08 18 A. Okay.

10:20:08 19 Q. Do you understand the difference?

10:20:09 20 A. Uh-huh.

10:20:10 21 Q. Okay. Is it correct that your
10:20:16 22 manager-in-training period was roughly eight weeks in
10:20:19 23 duration?

10:20:22 24 A. Yes.

10:20:23 25 Q. May have been longer, may have been shorter,

10:43:02 1 involves maintaining enough product on hand to keep the
10:43:04 2 store shelves full?

10:43:06 3 A. Yes.

10:43:06 4 Q. Do you agree that operating a Dollar Tree store
10:43:10 5 involves selling merchandise to the customers?

10:43:12 6 A. Yes.

10:43:12 7 Q. Okay. And do you agree that keeping a store
10:43:14 8 clean helps to sell merchandise to the customers?

10:43:17 9 A. Yes.

10:43:17 10 Q. Do you agree that keeping the store shelves
10:43:19 11 filled with merchandise helps to sell merchandise to the
10:43:22 12 customers?

10:43:22 13 A. Yes.

10:43:23 14 Q. Do you agree that as a Dollar Tree store
10:43:26 15 manager at store 3185 you were responsible for
10:43:30 16 supervising the process of receiving merchandise to be
10:43:33 17 sold at the store?

10:43:34 18 A. Yes.

10:43:35 19 Q. Do you agree that as a Dollar Tree store
10:43:37 20 manager at store 3185 you were responsible for
10:43:40 21 supervising the process of getting the merchandise from
10:43:42 22 the back room to the store shelves?

10:43:44 23 A. Yes.

10:43:44 24 Q. And do you agree that as a Dollar Tree store
10:43:47 25 manager at store 3185 you were responsible for

10:43:51 1 supervising the process of making sure your store had
10:43:53 2 enough merchandise on hand to keep the store shelves
10:43:56 3 full?

10:43:56 4 A. Yes.

10:43:56 5 Q. Do you agree that as a Dollar Tree store
10:43:59 6 manager at store 3185 you were responsible for
10:44:03 7 supervising the process of keeping the store clean?

10:44:05 8 A. Yes.

10:44:06 9 Q. As a store manager for Dollar Tree, did you
10:44:23 10 have any job responsibilities relating to training new
10:44:26 11 employees?

10:44:27 12 A. Yes.

10:44:28 13 Q. Can you describe what those responsibilities
10:44:30 14 were?

10:44:31 15 A. Well, just teaching people how to do the
10:44:37 16 planners, following their -- what they are supposed to
10:44:46 17 do on their cards and stuff. Making sure that they
10:44:53 18 understand rules and regulations and policies of Dollar
10:44:59 19 Tree.

10:44:59 20 Q. Were you finished?

10:45:00 21 A. Yes.

10:45:01 22 Q. Okay. Did you delegate that to any of your
10:45:04 23 assistant managers, what you just described?

10:45:06 24 A. Yes.

10:45:07 25 Q. Did you train new cashiers yourself or did you

10:53:29 1 were complaining about hours?

10:53:30 2 A. Probably.

10:53:31 3 Q. Did you ever interpret their complaints about
10:53:35 4 hours to be complaints about the need to bring other
10:53:39 5 store managers to their store for inventory purposes?

10:53:45 6 A. Say that again.

10:53:46 7 Q. Did they ever complain to you about having to
10:53:48 8 bring store managers into their stores for inventory
10:53:52 9 purposes?

10:53:53 10 A. I don't know.

10:53:55 11 Q. How many times per week did Terrie Peters visit
10:54:01 12 your store? Or times per month. With what frequency
10:54:04 13 did she visit?

10:54:06 14 A. Some months it was more often than others.
10:54:10 15 Sometimes I would see her just once -- once a month.

10:54:13 16 Q. Did she ever go to your store once per week?

10:54:22 17 A. Maybe at some point in time.

10:54:25 18 Q. But generally it was once a month or a couple
10:54:28 19 of times a month, as far as you recall?

10:54:29 20 A. As far as I recall.

10:54:32 21 Q. And when she did visit your store, how long did
10:54:37 22 she typically stay?

10:54:39 23 A. Sometimes she would be there for ten minutes.
10:54:41 24 Sometimes she would be there all day.

10:54:43 25 Q. During the occasions that she visited your

11:06:31 1 and respond to that request by producing it, okay?

11:06:34 2 A. Okay. If I can find it.

11:06:35 3 Q. If you have it.

11:06:36 4 A. Yeah.

11:06:36 5 Q. Is it fair to say that you were the highest
11:06:45 6 ranking manager at the store that you managed?

11:06:47 7 A. I was the highest -- yes.

11:06:50 8 Q. And you were ultimately responsible for whether
11:06:53 9 the store ran smoothly or not?

11:06:55 10 A. Yes.

11:06:56 11 Q. As the store manager at store 3185, did you
11:07:01 12 have the authority to hire hourly associates?

11:07:04 13 A. Hourly associates, yes.

11:07:07 14 Q. Did you hire cashiers?

11:07:09 15 A. Yes.

11:07:09 16 Q. Did you hire stockers?

11:07:12 17 A. Yes.

11:07:12 18 Q. Did you ever make a recommendation to your
11:07:15 19 district manager with respect to hiring an assistant
11:07:18 20 manager?

11:07:18 21 A. No.

11:07:21 22 Q. Did you ever hire an assistant manager
11:07:24 23 yourself?

11:07:24 24 A. No.

11:07:25 25 Q. Did you ever terminate a cashier?

11:14:24 1 Q. Were you aware that you could go into the
11:14:27 2 COMPASS system as a store manager and type in your
11:14:30 3 actual hours relative to the scheduled hours?

11:14:34 4 A. No. I had great difficulties with COMPASS.

11:14:40 5 Q. Okay. Can you describe the difficulties you
11:14:42 6 had?

11:14:42 7 A. It was just Greek to me.

11:14:46 8 Q. How did you work around that problem?

11:14:52 9 A. I don't really recall.

11:14:58 10 Q. One thing that you did was call Randy Smith.
11:15:02 11 You remember that?

11:15:02 12 A. I would call Randy and ask him for advice on
11:15:05 13 that a lot. I just can't recall what I ended up doing,
11:15:12 14 what I did.

11:15:13 15 Q. Given that the COMPASS system was Greek to you,
11:15:16 16 as you say, did it take you longer to schedule?

11:15:19 17 A. It took me a little bit longer, yeah.

11:15:21 18 Q. Can you ballpark for me about how long it took
11:15:24 19 you to schedule?

11:15:25 20 A. No, not really. I would start on it one day
11:15:34 21 and have to go back to it a few hours later or something
11:15:37 22 because I would just get stressed with it.

11:15:40 23 Q. It would get frustrating?

11:15:42 24 A. It would get frustrating, yeah. And I would
11:15:44 25 have to walk away and come back even the next day. I

13:26:18 1 Q. Okay. Did you ever learn from any source that
13:26:22 2 other store managers were ordering with a greater
13:26:25 3 frequency than once per week?

13:26:27 4 A. Some stores -- the bigger volume stores did
13:26:31 5 order differently. A couple of days a week or
13:26:35 6 something.

13:26:37 7 Q. Have you ever learned from any source that some
13:26:39 8 store managers ordered product on a daily basis?

13:26:43 9 A. I don't recall.

13:26:45 10 Q. You don't recall whether you ever learned that
13:26:47 11 from any source or whether that happened?

13:26:49 12 A. Yeah. I don't recall it ever happened. I
13:26:52 13 don't know -- I don't know that I knew it.

13:26:53 14 Q. Okay. Did you use an order book when you did
13:26:56 15 place orders?

13:26:57 16 A. Yes, it was the company's order book.

13:27:00 17 Q. And you don't recall how much product you
13:27:02 18 ordered through the order book; is that right?

13:27:05 19 A. No. No.

13:27:09 20 Q. I say that because earlier we talked about ASRs
13:27:13 21 versus ordering and you didn't remember the percentages.

13:27:15 22 A. Yeah, I don't -- I ordered some but don't know
13:27:19 23 how much.

13:27:19 24 Q. Do you recall how much time you spent on
13:27:21 25 ordering tasks?

13:27:24 1 A. No. Half a day maybe.

13:27:37 2 Q. Half a day once a week?

13:27:39 3 A. Yeah.

13:27:40 4 Q. And half a day meaning half of an eight-hour

13:27:43 5 day or half of a 12- to --

13:27:43 6 A. Half of a workday.

13:27:45 7 Q. -- 16-hour day?

13:27:46 8 A. Half of a workday.

13:27:48 9 Q. Did you ever delegate the function of ordering

13:27:56 10 to your assistants?

13:27:58 11 A. Yes, if I was on vacation or if I wasn't going

13:28:02 12 to be there for the deadline or something, yes.

13:28:10 13 Q. Can you walk me through the process you

13:28:12 14 followed before placing an order?

13:28:15 15 A. Oh, gosh. We'd have to walk the store.

13:28:22 16 Couldn't resist.

13:28:23 17 Had to walk through the store checking the

13:28:26 18 aisles. There was a -- there was a ordering thing that

13:28:34 19 we had to kinda -- a book that -- I forget even what it

13:28:40 20 was called, that we had to mark. We saw something out,

13:28:43 21 we mark it on the document.

13:28:44 22 Q. Sales order worksheet?

13:28:47 23 A. Sales order worksheet. That might have been

13:28:50 24 it.

13:28:50 25 Q. Store order worksheet?

13:45:24 1 Q. Okay. Now, line item No. 1 is "Supervision of
13:45:30 2 associates." Do you see that?

13:45:31 3 A. Uh-huh.

13:45:32 4 Q. Yes?

13:45:32 5 A. Yes.

13:45:33 6 Q. You told me earlier that you supervised all the
13:45:36 7 associates at your store; correct?

13:45:37 8 A. Yes.

13:45:38 9 Q. How much of your time in a typical workweek
13:45:41 10 would you spend on supervisory tasks?

13:45:44 11 A. No idea.

13:45:45 12 Q. Do you agree that supervision includes things
13:45:48 13 like assigning tasks and making sure that they're done?

13:45:53 14 A. Yes.

13:45:53 15 Q. Do you agree that it includes monitoring
13:45:56 16 whether employees are standing around or chewing gum --

13:45:58 17 A. Yes.

13:45:59 18 Q. -- or working hard?

13:46:00 19 A. Sorry. Yes.

13:46:01 20 Q. And you did those things all the time; isn't
13:46:03 21 that right?

13:46:03 22 A. Most of the time.

13:46:05 23 Q. Okay. Now, line item No. 2 is "Oversee daily
13:46:10 24 store activities, including opening and closing of
13:46:13 25 store." Do you see that?

13:49:12 1 Q. Is there any way to estimate how much actual
13:49:17 2 time you spend on shrink-related tasks as a store
13:49:20 3 manager in a typical workweek?

13:49:23 4 A. No, but it's constantly on your mind.

13:49:25 5 Q. Doesn't it vary a lot from week to week or day
13:49:30 6 to day?

13:49:30 7 A. It might.

13:49:31 8 Q. You just don't recall specifically?

13:49:33 9 A. Yeah.

13:49:33 10 Q. Is that right?

13:49:35 11 A. Yes.

13:49:35 12 Q. Line item No. 6 is "Responsible for adequate
13:49:40 13 staffing of the store," and then lists some additional
13:49:43 14 related tasks. Do you see that?

13:49:45 15 A. Yes.

13:49:46 16 Q. Do you agree that you performed that job
13:49:48 17 function?

13:49:50 18 A. "Recruit, interview, hire..." Yes -- yes.
13:49:59 19 Under the rules and regulations of the books and stuff,
13:50:04 20 yes.

13:50:05 21 Q. We talked a little bit before about hiring and
13:50:13 22 that sort of thing --

13:50:13 23 A. Uh-huh.

13:50:14 24 Q. -- and you didn't terminate but you did hire?

13:50:16 25 A. Uh-huh.

13:50:16 1 Q. Yes?

13:50:16 2 A. Yes.

13:50:17 3 Q. Is there any way to approximate how much time
13:50:19 4 in a typical workweek you spent on those tasks?

13:50:27 5 A. No.

13:50:28 6 Q. You didn't have much turnover at your store?

13:50:30 7 A. I didn't, yeah.

13:50:31 8 Q. So it was not too much; is that right?

13:50:34 9 A. Well, I had to do all the paperwork and stuff.
13:50:37 10 When I did hire somebody, I had to make phone calls into
13:50:42 11 whatever it was that we had to do. And they had a ton
13:50:47 12 of paperwork that we had to go through.

13:50:49 13 Q. So there was some time; it maybe varied from
13:50:53 14 week to week?

13:50:53 15 A. Yeah.

13:50:54 16 Q. Okay. Next line item is "Schedule and sign
13:50:57 17 work to store personnel. Evaluate, motivate, counsel,
13:51:01 18 develop, discipline and discharge sales associates
13:51:03 19 appropriately. Maintain production reports to evaluate
13:51:06 20 job performance of sales associates."

13:51:09 21 Do you see that?

13:51:09 22 A. Uh-huh.

13:51:09 23 Q. Yes?

13:51:10 24 A. Yes.

13:51:10 25 Q. You agree that was one of your job functions?

13:51:13 1 A. Yes.

13:51:13 2 Q. Okay. And are you able to approximate for me
13:51:16 3 how much time you spent in a typical week on those
13:51:20 4 tasks?

13:51:21 5 A. Hard to say.

13:51:22 6 Q. We talked a little bit about COMPASS and the
13:51:26 7 time you spent on COMPASS. Were there additional things
13:51:29 8 that you did outside of COMPASS within this job
13:51:33 9 function?

13:51:34 10 A. Yeah, we had to motivate; we had to counsel
13:51:42 11 people sometimes, discipline people. No way I can give
13:51:47 12 a -- without --

13:51:48 13 Q. Sure. It doesn't limit itself to COMPASS,
13:51:51 14 though, that job function?

13:51:52 15 A. Right, yeah.

13:51:52 16 (Randy Smith exits.)

13:51:55 17 Q. BY MR. VANDALL: Can you give me an example of
13:51:57 18 how you motivate the associates you worked with?

13:52:01 19 Other than buying them lunch from time to time,
13:52:03 20 which I would find motivating.

13:52:05 21 A. I can't think of an example. Like Halloween,
13:52:17 22 maybe. We did different fun things to keep people
13:52:22 23 motivated and my employees kind of liked coming to work.

13:52:27 24 Q. Did you do a costume day?

13:52:31 25 A. Yeah, we did like costume day for Halloween and

REPORTER'S CERTIFICATE

I certify that the foregoing proceedings in the within-entitled cause were reported at the time and place therein named; that said proceedings were reported by me, a duly Certified Shorthand Reporter of the State of California, and were thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said cause of action, nor in any way interested in the outcome of the cause named in said cause of action.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of June, 2010.



Digitally signed by Thomas J. Lange
Date: 2010.06.07 13:47:27 -07:00
Reason: I am the author of this document
Location: Sacramento, CA

THOMAS J. LANGE, Calif. CSR No. 4689
Registered Merit Reporter